

SUBCOMMITTEE NO. 4

Agenda

Senator Mark DeSaulnier, Chair
Senator Tom Harman
Senator Gloria Negrete McLeod
Senator Roderick Wright



Thursday, April 30, 2009
9:30 a.m. (or upon adjournment of session) - Room 112

Consultant: Brian Brown

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Judicial Branch (0250)

Departmental Overview. The California Constitution vests the state's judicial power in the Supreme Court, the Court of Appeals, and the trial courts. The Supreme Court, the six Courts of Appeal, and the Judicial Council of California, which is the administrative body of the judicial system, are entirely state supported. *Chapter 850, Statutes of 1997 (AB 233, Escutia and Pringle)*, shifted fiscal responsibility for the trial courts from the counties to the state. California has 58 trial courts, one in each county. The Trial Court Funding program provides state funds (above a fixed county share) for support of the trial courts.

The Judicial Branch consists of two components: (1) the judiciary program (the Supreme Court, Courts of Appeal, Judicial Council, and the Habeas Corpus Resource Center), and (2) the Trial Court Funding program, which funds local superior courts. The 2005-06 Budget Act merged funding for the judiciary and Trial Court Funding programs under a single "Judicial Branch" budget item. It also shifted local assistance funding for a variety of programs, and the Equal Access Fund from the Judicial Council budget to the Trial Court Funding budget.

Budget Overview. The budget includes about \$3.5 billion to support the Judicial Branch. This includes \$2.1 billion from the General Fund.

The budget adopted in February for the Judicial Branch differed from the Governor's Budget in that funding related to two proposals (Issues 1 and 2 below) were removed. In addition, funding to support new judgeships was removed and \$100 million was reduced as an unallocated reduction. In total, these changes reduced appropriations for the Judicial Branch by approximately \$256 million (\$171 million General Fund) as compared to the Governor's Budget. Finally, the 2009-10 Budget Act included a \$40 million transfer from the State Court Facilities Construction Fund to the General Fund.

Issue 1 - Administrative Infrastructure Support for Trial Court Operations

Background. The courts have several major statewide IT projects currently underway across the state. These include the following:

- **California Case Management System (CCMS)**, to develop a single, centralized statewide case management system for all case categories at all California courts;
- **Phoenix Project**, to implement a unified, statewide human resources and financial system for all trial courts;
- **Court Telecommunications Program**, which permits electronic communications between AOC, regional offices, appellate courts, CCTC, the trial courts, state and local justice partners, and the public;
- **California Courts Technology Center (CCTC)**, which manages the application and internet systems for the superior and appellate courts;
- **Data Integration**, to develop a statewide approach to data sharing between trial courts and their justice partners.

The largest of these projects is CCMS which will replace more than 70 different case management data systems in the 58 trial courts with a single, centralized system. The Judicial Branch has been developing this project since 2002. Currently, the program is developed and deployment has begun on a very limited basis. Full deployment and implementation of CCMS is planned to occur over the next five years. The following table displays the Judicial Branch's current estimated cost schedule for CCMS and other major IT initiatives currently under way, totaling \$1.95 billion over the next five years.

Judicial Branch IT Project Costs by Project

(In millions of dollars)

Project	2008-09	2009-10	2010-11	2011-12	2012-13	Totals
CCMS	\$137.7	\$281.3	\$337.1	\$434.9	\$232.0	\$1,423.0
Phoenix	46.5	35.9	34.5	36.6	37.0	190.5
Telecommunications	12.8	13.2	14.0	15.0	15.0	70.0
CCTC	11.5	13.0	13.5	14.2	14.2	66.4
Data integration	11.6	11.4	11.9	11.7	8.6	55.2
Other various projects	44.9	27.9	24.3	22.9	25.2	145.2
Totals	\$265.0	\$382.8	\$435.3	\$535.2	\$331.9	\$1,950.3

Governor's Budget Request. The Judicial Branch requests to increase its funding authority of three special funds – the Trial Court Improvement Fund, the Trial Court Trust Fund, and the Judicial Administration Efficiency and Modernization Fund – and use these funds to support court IT projects and activities over the next several years. These projects would exhaust the fund balances in the special funds over the next couple of years. This would leave a total of \$793.7 million in project costs to be funded from the General Fund or an alternative funding source. The Branch's current plan is to finance these out-year costs and pay off the project costs over a longer period of time. However, the Branch also reports that it is reevaluating the deployment schedule and cost structure for CCMS due to the current fiscal climate. The table below shows the funding schedule provided in the January budget request.

Judicial Branch IT Project Costs by Funding Source

(In millions of dollars)

Fund Source	2008-09	2009-10	2010-11	2011-12	2012-13	Totals
General/Other	\$4.1	\$10.7	\$209.3	\$386.9	\$182.7	\$793.7
Trial Court Trust	110.4	285.9	141.1	63.2	63.2	663.8
Trial Court Improvement	103.3	57.7	56.0	55.8	56.1	328.9
Judicial Administration Efficiency and Modernization	47.3	28.5	28.9	29.3	30.0	164.0
Total, All Funds	\$265.0	\$382.8	\$435.3	\$535.2	\$331.9	\$1,950.3

2009-10 Enacted Budget. Rejected without prejudice.

Staff Comments. These IT projects, and the CCMS in particular, have the potential to significantly improve court operations and efficiencies. Court officials and attorneys will better be able to file and share case information. Members of the general public will more easily be able to access the courts and obtain information about their cases. Policy makers will have more accurate statewide information about court caseloads and outcomes with which to make important decisions. The Legislature has supported these efforts in past budgets.

Despite the clear operational benefits of the projects, the ongoing costs identified raise some concerns. The current plan would fully deplete the fund balances in the three special funds proposed, raising questions about the impact on other programs and projects funded through those accounts. In addition, the viability of financing the deployment of CCMS is unclear in light of the current state of the financial markets. Staff would also note that no formal financing plan or authorizing language has been submitted to the Legislature for review. However, the Judicial Branch informs staff that they are considering alternative deployment options that may affect the out-year costs.

Given these concerns, the committee may wish to address the following questions to the Judicial Branch:

- What efforts has the Branch made to determine the viability of financing the CCMS project?
- How much will financing increase the costs of deploying CCMS? How does the Branch intend to pay off the costs to finance this project?
- How long will it take to pay off the financing costs? Is there any risk that the technology will be obsolete before the financing costs are paid off?
- How will other projects and programs funded by the special funds be affected if the fund balances are fully exhausted to fund these projects?
- Will the General Fund be responsible for funding any shortfall in project costs if financing and/or special fund balances are insufficient to cover the full project costs? What will be the Judicial Branch's plan to fund these projects if actual costs are higher than currently anticipated?
- Has the Branch estimated the level of savings that might be achieved through improved court efficiencies?

Issue 2 - Trial Court Security Funding

Background. A court security fee of \$20 per criminal conviction was established in 2003-04 to help offset security costs at the trial courts. In 2007-08, this fee generated about \$94 million. These revenues are deposited into the Trial Court Trust Fund to pay for court costs, including court security. Total expenditures on court security were \$475 million in 2007-08.

With limited exceptions, current law requires court security to be provided by the local county sheriff's office. Counties are reimbursed for their actual costs of providing this security.

The Judicial Branch reports that actual costs for court security have grown by \$77 million over the past three years, and 10 courts which provide security at a level above current funding standards at an additional cost of \$6 million. (According to the Branch, many other courts have staffing below the funding standards.) However, the funding allocations for court security from increases in the Trial Court Trust Fund have increased by \$56 million, leaving a shortfall of about \$28 million.

Governor’s Budget Request. The administration proposes trailer bill language to increase the court security fee by \$7 to \$27, generating an estimated \$28.4 million in the budget year to close the shortfall in court security funding. The administration is also proposing trailer bill language that would require the Judicial Council to establish statewide court security staffing standards designed to limit court security expenditures. For example, the language would require that counties be reimbursed based on *average* personnel costs when security is provided by the county sheriff’s office, thereby ending the existing incentive for sheriffs to use high-cost deputies for court security assignments.

	2009-10
Trial Court Trust Fund	\$28,446,000

2009-10 Enacted Budget. Deleted without prejudice.

LAO Comments. The LAO reports that the administration’s proposals to address court security costs have merit. The proposed statutory changes would help the courts gain greater control of rapidly escalating security costs, and the additional revenues from the proposed court security fee increase would help to offset costs that might otherwise be borne by the General Fund for these functions. However, in considering the steadily growing cost of court security, the LAO recommends that the Legislature instead consider directing the courts to contract on a competitive basis with both public and private security providers and, thus, achieve greater efficiencies and General Fund savings. The LAO reports that competitive bidding would provide a strong incentive for whichever public agency or private firm that won the bid to provide security in the most cost-effective manner possible, and courts would be able to select among the proposals offered to them by different security providers, thus allowing them to select the level of security that best meets their needs.

Staff Comments. Court security costs have grown by five percent to ten percent in each of the past few years. While revenue from the court security fee covers a share of court security costs, most of the growth is paid for from the General Fund. Given the state’s General Fund condition, it is important to consider ways to contain the growth in these costs. The committee may want to direct the following questions to the Judicial Branch and LAO:

- What has driven the increase in court security costs in recent years?
- What discretion does the Judicial Council have in determining the amount of the Trial Court Trust Fund allocation is devoted to court security costs? Are there other areas of the courts’ budget that have grown at a slower rate and could be used to cover the increased costs of providing court security?
- How have trial courts covered the shortfall in court security costs in recent years?
- Has the Judicial Council estimated the likely savings from requiring that the courts reimburse at average rather than actual costs for court security?

- Would moving to a competitive bidding process for court security affect the quality of security services provided? What other states utilize competitive bidding for court security?

Issue 3 – Facilities Program Staffing

Background. The Judicial Branch currently has authority for 179 positions to provide management services at state court facilities. This includes 14 positions approved in the enacted 2009-10 Budget Act.

April Finance Letter Request. The Judicial Branch requests \$2.9 million from the State Court Facilities Construction Fund (SCFCF) and 19 positions for ongoing facility management services at court facilities.

The Judicial Branch identifies two issues driving the need for these positions. First, the enacted 2009-10 budget made ongoing what was initially a one-time reduction of \$1.2 million reduction in this program. Second, the need for facility management positions has increased in recent years as more court facilities transfer from county to state control. Specifically, from June 2007 to December 2008, the number of transfers that have been successfully negotiated between the counties and state increased from 113 to 466. There are 62 court transfers still pending completion of negotiations.

	2009-10
State Court Facilities Construction Fund	\$2,892,000
Positions	19

LAO Concerns. The LAO notes that current law restricts the use of the State Court Facilities Construction Fund to Superior Court projects. However, \$1.2 million of the request would be for support staff that oversee Appellate, AOC, and Habeas Corpus Resource Center facilities. Therefore, the SCFCF may not be an eligible funding source for this purpose without adoption of modifying language.

Staff Comments. The Judicial Branch has successfully negotiated the transfer of hundreds of additional court facilities in recent years requiring the need for additional staff to oversee the management of these facilities. The committee should direct the LAO and Judicial Branch to develop language addressing the LAO's concern regarding current restrictions on the use of funds in the State Court Facilities Construction Fund.

Issue 4 – Court Appointed Counsel Language

Background. California has a constitutional mandate to provide adequate legal services to indigents in criminal and juvenile matters before the Courts of Appeal. Private attorneys are

appointed by the Courts of Appeal to provide representation to these appellants. These attorneys are selected, trained, and mentored by five non-profit appellate projects that contract with the Courts of Appeal to oversee the attorneys' work on each case.

Projected costs for this program have increased in recent years from \$46 million in 2004-05 to a projected level of \$72.7 million in the budget year. The current base funding for this program is \$58.5 million, resulting in a projected \$14.2 million shortfall in 2009-10.

April Finance Letter Request. The administration proposes budget bill language that would allow the Judicial Branch to submit a deficiency request for any budgetary shortfall for this program in 2009-10. The administration proposes the language in order to avoid a potential conflict with the requirement that requests for deficiency funding be reserved for unanticipated issues.

Staff Recommendation. The underlying workload is mandatory for the Judicial Branch. While the number of attorney appointments has not increased substantially in recent years, the number of claims and hours per claim have increased substantially. The Judicial Branch reports that these workload factors have increased because these cases have become more complex and with longer records. The administration further reports that claims in this program have fluctuated and there is uncertainty about the accuracy of the \$14.2 million estimate.

While the workload is mandatory, it does not appear that the proposed language is appropriate considering that the Judicial Branch has actually identified an estimated shortfall in this program, even if there is some level of uncertainty of the exact magnitude. The Judicial Branch should use the normal budget process to request funding for this workload based on more up to date data. Recommendation: Reject language.

Issue 5 – Court Appointed Dependency Counsel Language

Background. Juvenile courts in California preside over cases filed by county social services agencies when a child has been, or is suspected of being abused or neglected. Parents and children in these cases are statutorily entitled to legal representation. Historically, the court is responsible for appointing lawyers to represent indigent parents and all children, and the state pays for these lawyers. The Judicial Council reports that in some cases counties have been collecting payments from non-indigent parents for attorneys provided by the court in dependency cases. The courts have begun to collect those payments from counties.

In recent years, the Judicial Branch has engaged in a pilot project called the Dependency Representation, Administration, Funding, and Training (DRAFT) Program designed to create more uniformity in the caseload, compensation, and standards for dependency counsel. The pilot project began with 10 courts in 2004 and expanded to 20 courts in 2007. Until recently, Judicial Council administrative costs were funded through a grant from the Office of Emergency Services.

April Finance Letter Request. The Judicial Branch requests budget bill language authorizing reimbursement authority for the trial courts allowing them to use payments recovered from non-indigent parents who have been provided an attorney to offset

dependency court costs. In addition, the Branch proposes budget bill language allowing the Judicial Council to receive up to \$556,000 from the budget of the trial courts for administration of the DRAFT Program.

Staff Comments. The proposed language is largely technical in nature, allowing the courts to expend the payments received from counties, and allowing a share of program costs to be used for administrative purposes. There is no General Fund impact. Recommendation: Approval.

Issue 6 – Court Facilities Trust Fund Adjustment

Background. The Trial Court Facilities Act established a process by which the state will assume the responsibility for transfer of all court facilities. Upon transfer of facilities to the state, counties provide funding for facilities operation and maintenance costs based on historic funding patterns through a county facility payment (CFP). A CFP amount is calculated for each facility and is agreed to prior to the transfer of the facility to the state. On a quarterly basis, counties remit the CFPs to the state for deposit into the Court Facilities Trust Fund.

April Finance Letter Request. The Judicial Branch requests an increase in authority in the Court Facilities Trust Fund of \$64.8 million related to the transfer of additional court facilities to the state. The county CFPs will fund this additional authority. The Judicial Branch reports that there will be an additional \$7 million to \$10 million in authority required for this purpose in future years as the final court facilities transfer to the state.

	2009-10
Court Facilities Trust Fund	\$64,784,000

Staff Recommendation. This is a technical adjustment to account for the transfer of court facilities to state control. There is no General Fund impact. Recommendation: Approval.

Issue 7 – Immediate and Critical Needs Account – Technical Revisions

Background. Chapter 311, Statutes of 2008 (SB 1407, Perata) authorized the establishment of the Immediate and Critical Needs Account (ICNA) within the State Court Facilities Construction Fund.

Governor's Budget Request. The Judicial Branch requests technical changes in both the support and capital outlay budgets to create the ICNA as a separate funding item. This includes \$10 million for facility modifications in the support budget and \$97.9 million for capital outlay projects.

Staff Comments. These are technical adjustments to account for the creation of a separate fund for these projects. There is no General Fund impact. Recommendation: Approval.

Issue 8 – Capital Outlay Projects

Background. Chapter 311, Statutes of 2008 (SB 1407, Perata) authorized the construction of 41 specified court facilities projects throughout the state, and increased various fees to pay for these projects.

April Finance Letter Request. The Judicial Branch requests authority for eight projects using funding from the SCFCF. Two of these projects – the projects in Solano and Santa Clara – are new projects authorized by SB 1407. The remainder are previously approved projects seeking reappropriation of project funds, generally due to delays in site acquisition which have now been completed.

While most of the proposed projects will be funded solely through the SCFCF, the Santa Clara project – a new family justice center in San Jose – has a unique financing structure. Funds from SCFCF will provide \$44 million of the total construction costs of \$184 million. The remainder of the project costs will be funded by the county and local trial court with most of the funding provided through bond financing by the county, providing \$110 million of the construction costs. The following table lists the capital outlay projects proposed in the Judicial Branch’s April Finance Letters.

Judicial Branch Capital Outlay April Finance Letters

(Dollars in thousands)

Project	County	2009-10 Amount	Stage (APWC)*	Total Project Costs	Fund Source**
New Projects					
1 New family justice center	Santa Clara	\$140,080	APWC	\$184,080	various
2 Fairfield Old Solano courthouse	Solano	1,739	AP	26,893	SCFCF
Reappropriations					
3 New Mammoth Lakes courthouse	Mono	18,523	C	21,522	SCFCF
4 New Stockton courthouse	San Joaquin	9,917	P	261,979	SCFCF
5 New Madera courthouse	Madera	3,657	P	97,815	SCFCF
6 New Hollister courthouse	San Benito	3,329	PW	36,156	SCFCF
7 New San Andreas courthouse	Calaveras	2,397	W	43,579	SCFCF
8 New Susanville courthouse	Lassen	2,075	W	38,937	SCFCF

* Acquisition (A), Preliminary plans (P), Working drawings (W), Construction (C).

** SCFCF: State Court Facilities Construction Fund

Staff Recommendation. The new projects proposed are consistent with SB 1407. There is no General Fund impact. Recommendation: Approval.

Department of Justice (0820)

Departmental Overview. The Attorney General is the chief law officer of the state and has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse mission of the Department of Justice (DOJ).

The DOJ is responsible for providing legal services on behalf of the people of California. The Attorney General represents the people in all matters before the Appellate and Supreme Courts of California and the United States; serves as legal counsel to state officers, boards, commissions, and departments; represents the people in actions to protect the environment and to enforce consumer, antitrust, and civil rights laws; and assists county district attorneys in the administration of justice.

The DOJ also coordinates efforts to address the statewide narcotic enforcement problem; assists local law enforcement in the investigation and analysis of crimes; provides person and property identification and information systems to criminal justice agencies; supports the telecommunications and data processing needs of the California criminal justice community; and pursues projects designed to protect the people of California from fraudulent, unfair, and illegal activities.

Budget Overview. The 2009-10 budget approved by the Legislature included \$742 million for the DOJ. The Governor vetoed about \$48 million. Approximately 47 percent of the department's budget is General Fund. The DOJ has about 5,600 authorized positions.

Issue 1 - Class Action Quality Improvement

Background. The Correctional Law Section of DOJ is responsible for defending the state against class action lawsuits including those brought by inmates against the California Department of Corrections and Rehabilitation (CDCR).

Governor's Budget. The administration requests \$3.2 million and 17 positions in the budget year and ongoing to augment DOJ's staff dedicated to defending the state in class action lawsuits. According to the department, the resources will allow it to better represent the state in existing class action cases and potentially achieve better settlements for the state, as well as potentially represent CDCR in three cases which DOJ has been forced to refer back to CDCR due to a lack of staff resources. The DOJ reports that it is significantly more expensive for CDCR to hire private attorneys to represent the department in class action suits than to use DOJ attorneys.

	2009-10
General Fund	\$3,185,000
Positions	17

2009-10 Enacted Budget Request. Deleted without prejudice.

Staff Comments. Additional staff resources for DOJ would likely assist the department in better representing the state in class action lawsuits, perhaps resulting in fewer successful actions resulting in expensive court decisions and settlements. It is also quite likely that the cost for DOJ to do this representation is less expensive than for CDCR to contract out this work. On the other hand, the department has not identified how it concluded that a need for the requested resources was the right amount.

Considering the state of the General Fund, it may be worth considering alternative ways to fund the requested workload. For example, the Legislature could consider funding all or part of DOJ's request from resources CDCR currently devotes to contract attorneys used to manage the caseload that DOJ cannot take due to a lack of resources. The CDCR reports that it projects to spend \$4.8 million in the current year on contract attorneys. This is in addition to 98 staff attorneys it reports having in its Office of Legal Affairs (though these attorneys do not do litigation work).

Issue 2 - Correctional Writs and Appeals Workload

Background. The Correctional Writs and Appeals section within the Criminal Law Division of DOJ is responsible for defending the state in habeas corpus cases brought against the state. These cases include when inmates serving life terms challenge decisions made by the Governor and the Board of Parole Hearings to deny parole release, challenges to conditions of confinement, and due process issues of revocation hearings. Over the past few years, the number of habeas cases filed by inmates has roughly doubled, increasing from 1,559 in 2004-05 to 3,099 in 2007-08, growth of about 25 percent annually. The DOJ projects this caseload to continue to grow to 4,899 cases in the budget year.

Governor's Budget. The administration requests \$4.5 million and 28 positions to accommodate the additional workload caused by the increase in habeas cases.

	2009-10
General Fund	\$4,486,000
PY's	26.6

2009-10 Enacted Budget Request. Deleted without prejudice.

LAO Recommends Rejection. The LAO finds that the department's projections of workload increases are likely to be significantly overstated given more recent trends in workload growth. The LAO estimates that the habeas workload is more likely to grow by a rate of 10 to 17 percent next year. Moreover, the LAO finds that other changes have the potential to reduce DOJ's habeas workload. For example, Proposition 9, passed by voters in November 2008, would reduce the number of parole suitability hearings, potentially reducing the number of habeas challenges. Based on these findings, the LAO concludes that this proposal is not justified on a workload basis and recommends rejection.

Staff Recommendation. The DOJ is mandated to represent the state in these habeas cases. However, it is unclear whether the caseload will continue to grow at the same high rate as has occurred in recent years, in particular because it is unclear what has driven the

recent increases considering, for example, that the prison population has been comparatively stable over the past several years. Further, it is possible that other factors could significantly reduce the habeas caseload. For example, recent efforts to improve the provision of inmate health care services, parole suitability hearings, and parole revocation hearings could result in fewer inmates filing these cases.

Issue 3 – Drug Pricing/Qui Tam Workload

Background. Current law allows a civil action to be brought against companies engaged in Medi-Cal fraud. The Attorney General's Office is required to investigate the allegations and determine if claims of fraud are meritorious. The Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA) unit is currently investigating 58 cases and has approximately 111 additional cases that are backlogged.

April Finance Letter Request. The department requests \$3.1 million and 19 positions to increase its efforts to investigate and prosecute BMFEA cases and reduce the backlog.

	2009-10
Federal Trust Fund	\$2,339
False Claims Act Fund	780
<i>Total, all funds</i>	<i>\$3,119</i>
Positions	19

Staff Recommendation. This proposal would allow DOJ to increase its investigations and prosecutions of Medi-Cal fraud cases. These cases can result in significant settlements for the state. Over the past five years, BMFEA litigation has resulted in \$581 million in Medi-Cal-related reimbursements. According to DOJ, half of that funding directly benefits the General Fund. This proposal requires no General Fund to implement and could result in additional reimbursements to the state. Recommendation: Approval.

Issue 4 – Lab Fees

Background. The DOJ's Bureau of Forensic Services (BFS) operates 11 full-service criminalistic laboratories throughout the state. These laboratories provide some state and many local agencies with analysis of various types of physical evidence and controlled substances, as well as analysis of materials found at crime scenes. Although existing law permits the department to charge fees for such services, they are generally provided at no charge and instead funded from the General Fund. The department's budget includes about \$30 million for laboratory operations.

LAO Recommendation. The LAO finds that the Legislature could reduce General Fund support for BFS by requiring BFS to charge state and local law enforcement agencies lab fees. This would reduce General Fund support for BFS due to (1) the creation of new

revenue and (2) a likely reduction in the number of cases processed by the labs. According to the LAO, requiring the payment of laboratory fees would provide an incentive for law enforcement agencies to ration their use of state laboratory services by sending only high-priority cases to the state or by using other available entities (such as the Federal Bureau of Investigation and law enforcement agencies in nearby jurisdictions) to assist with testing. Therefore, the LAO recommends that the Legislature reduce General Fund support for DOJ by requiring that BFS charge state and local agencies for the forensic services the department provides. The LAO notes that because developing physical evidence through laboratory analysis is part of local law enforcement responsibility for investigating and prosecuting crimes, it believes that the costs should be borne by the counties and cities.

Staff Comments. Adoption of the LAO's recommendation has the potential to generate General Fund savings of tens of millions of dollars annually. In addition to the state fiscal benefit of this proposal, the committee may also wish to consider how the proposal would impact public safety. For example, to what extent would adoption of this proposal reduce state and local agencies' ability to investigate and prosecute crimes? The committee may wish to address the following questions to the LAO, administration, and other stakeholders:

- Which counties and state departments are the biggest users of DOJ laboratory services? How many counties have their own laboratory facilities? Would smaller counties be disproportionately affected by this policy to the extent that they are the ones least likely to have laboratory facilities of their own?
- Are counties without laboratory facilities able to use lab facilities in other counties? Do these counties charge for those services?
- How would state and local law enforcement agencies respond to the implementation of this policy? Would they be forced to reduce the cases that they investigate or prosecute?
- Would there be any administrative costs to implement this proposal?
- Are there any alternatives to consider; for example, charging for only a share of laboratory costs?